

## Message Text

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ORIGIN L-03

INFO OCT-01 AF-10 ARA-10 EUR-12 EA-07 NEA-10 IO-13  
ISO-00 EB-07 SIG-01 MMO-01 AID-05 TRSE-00 OIC-02  
CIAE-00 INR-07 NSAE-00 OMB-01 PM-04 NSC-05 SP-02  
SS-15 PRS-01 IGA-02 COME-00 DODE-00 /119 R

DRAFTED BY L:MBFELDMAN/IO/ML:JLWASHBURN:SGH

APPROVED BY L:MBFELDMAN

EB/IAO:RKAUZLARICH

IO/IEP:RPOOLE

IO:CFRANK

L/EB:SBENSON

-----070925 241303Z /47

R 232314Z JUN 77

FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA

AMEMBASSY ATHENS

AMEMBASSY BELGRADE

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY COPENHAGEN

AMEMBASSY DACCA

AMEMBASSY DAMASCUS

AMEMBASSY KABUL

AMEMBASSY KHARTOUM

AMEMBASSY KIGALI

AMEMBASSY KINGSTON

AMEMBASSY KUALA LUMPUR

AMEMBASSY LA PAZ

AMEMBASSY LIBREVILLE

AMEMBASSY LIMA

AMEMBASSY LISBON

AMEMBASSY LOME

AMEMBASSY MANILA

AMEMBASSY MOGADISCIO

AMEMBASSY MOSCOW

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AMEMBASSY NAIROBI

AMEMBASSY NOUAKCHOTT

AMEMBASSY OUAGADOUGOU

AMEMBASSY PRAGUE

AMEMBASSY QUITO

AMEMBASSY SANA

AMEMBASSY SOFIA

AMEMBASSY TUNIS  
AMEMBASSY VIENNA  
AMEMBASSY WARSAW  
AMEMBASSY WELLINGTON  
INFO AMEMBASSY BRUSSELS  
USMISSION GENEVA  
USLO PEKING  
USMISSION USUN NEW YORK

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USEEC

E.O. 11652: GDS

TAGS: EGEN, EINV, UN, ECOSOC

SUBJECT: INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS

REF: (A) STATE 144233; (B) STATE 141733;

(C) STATE 145005

1. FOLLOWING IS ENGLISH TEXT OF AIDE-MEMOIRE ON ILLICIT PRACTICES TO ACCOMPANY REPRESENTATIONS ON THIS SUBJECT REQUESTED SEPTEL. FRENCH AND SPANISH VERSIONS OF THIS LIMITED OFFICIAL USE

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TEXT ARE BEING TRANSMITTED SEPTEL TO APPROPRIATE POSTS.

2. AIDE-MEMOIRE (BEGIN TEXT):

ALL NATIONS HAVE A COMMON INTEREST IN CONTROLLING BRIBERY IN CONNECTION WITH INTERNATIONAL COMMERCIAL TRANSACTIONS. BRIBERY OF PUBLIC OFFICIALS, WHETHER INITIATED BY AN OFFICIAL OR SOME ONE WHO WISHES TO BRIBE AN OFFICIAL, CORRUPTS POLITICAL AND ECONOMIC INSTITUTIONS, DISTORTS INTERNATIONAL TRADE AND INVESTMENT, IMPEDES THE DEVELOPMENT PROCESS, RAISES THE COST OF GOODS AND SERVICES, AND BURDENS THE BALANCE OF PAYMENTS OF MANY COUNTRIES WHICH ALREADY LACK FOREIGN EXCHANGE. IT CAN ALSO CAUSE PROBLEMS IN RELATIONS BETWEEN STATES.

THERE ARE CRIMINAL LAWS IN NEARLY EVERY COUNTRY PROHIBITING BRIBERY, BUT IN ALL COUNTRIES ENFORCEMENT OF SUCH LAWS IS DIFFICULT BECAUSE NATIONALITIES OTHER THAN THAT OF THE ENFORCING COUNTRY ARE USUALLY INVOLVED. ACCORDINGLY, THESE LAWS ALONE ARE NOT AN ADEQUATE DETERRENT. FURTHER MEASURES, INCLUDING INTERNATIONAL COOPERATION, ARE THEREFORE NECESSARY TO CONTROL BRIBERY

ACROSS NATIONAL BOUNDARIES. THE UNITED STATES HAS ALREADY TAKEN SIGNIFICANT MEASURES TO CONTROL THE ACTIVITIES OF ITS COMPANIES ABROAD AND IS PREPARED TO DO MORE. BUT THIS IS AN INTERNATIONAL PROBLEM REQUIRING INTERNATIONAL ACTION.

PRESIDENT CARTER ATTACHES GREAT IMPORTANCE TO THIS ISSUE. HE HAS GIVEN HIS SUPPORT TO NEW U.S. LEGISLATION PROHIBITING THE BRIBERY OF FOREIGN OFFICIALS BY U.S. ENTERPRISES AND TO EARLY ADOPTION OF AN EFFECTIVE INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS.

IN THE UNITED NATIONS, GENERAL ASSEMBLY RESOLUTION 3514 (XXX-1975) CALLED FOR COOPERATION BETWEEN COUNTRIES  
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AGAINST BRIBERY IN INTERNATIONAL COMMERCIAL TRANSACTIONS. IN IMPLEMENTATION OF THIS RESOLUTION, THE UN ECONOMIC AND SOCIAL COUNCIL ADOPTED RESOLUTION 2041 (LXI-SUMMER, 1976) WHICH ESTABLISHED AN INTERGOVERNMENTAL WORKING GROUP ON THIS QUESTION.

THIS WORKING GROUP, WITH THE ASSISTANCE OF THE UN CENTER FOR TRANSNATIONAL CORPORATIONS, HAS DONE VERY USEFUL WORK IN ANALYZING THE PROBLEM IN DEPTH. IT IS PREPARING A REPORT WHICH WILL INCLUDE POSSIBLE TEXTS FOR AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS. THESE TEXTS ARE WITHOUT PREJUDICE TO THE POSITION OF ANY GOVERNMENT. THE UNITED STATES BELIEVES THE TIME HAS NOW COME FOR ECOSOC, IN ITS JULY SESSION, TO TAKE THE DECISIONS NECESSARY TO ENSURE THAT THE INTERNATIONAL COMMUNITY CAN DEAL EFFECTIVELY WITH ILLICIT PAYMENTS. IN THE VIEW OF THE UNITED STATES, THIS REQUIRES A FIRM DECISION BY ECOSOC TO NEGOTIATE AN INTERNATIONAL AGREEMENT AND TO ESTABLISH THE MACHINERY TO DO SO. THE UNITED STATES, THEREFORE, PROPOSES THAT ECOSOC CALL FOR A DIPLOMATIC CONFERENCE IN 1978. RECOGNIZING THAT FURTHER PREPARATORY WORK WILL BE NECESSARY TO REFINE THE VARIOUS SUBSTANTIVE PROPOSALS UNDER CONSIDERATION, THE US ALSO PROPOSES THAT ECOSOC CONTINUE THE WORKING GROUP SO THAT IT MAY DO THE NECESSARY PREPARATORY WORK IN THE FALL OF 1977 AND THE SPRING OF 1978. ECOSOC SHOULD GIVE THE WORKING GROUP A CLEAR MANDATE TO DRAFT AN INTERNATIONAL AGREEMENT AND

ITS MEMBERSHIP SHOULD BE EXPANDED SO THAT ALL ECOSOC MEMBERS WHO WISH TO DO SO MAY PARTICIPATE. THIS WILL GIVE THE INTERNATIONAL AGREEMENT THE BROAD SUPPORT IN THE INTERNATIONAL COMMUNITY WHICH IT MUST HAVE TO BE EFFECTIVE. (END TEXT)

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CHRISTOPHER

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
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**Enclosure:** DG ALTERED  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Reference:** 77 STATE 144233, 77 STATE 141733, 77 STATE 145005  
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**TAGS:** EGEN, EINV, UN, ECOSOC  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009